

## **Title III: Administration**

### **CHAPTER 37: EMERGENCY MANAGEMENT**

#### **Section**

#### ***General Provisions***

- 37.01 Purpose
- 37.02 Definitions
- 37.03 Scope and intent
- 37.04 Limitations; non suppression of powers

#### ***Administration and Enforcement***

- 37.15 Department organization and administration
- 37.16 Advisory Council
- 37.17 Department established
- 37.18 Director of Emergency Management
- 37.19 Deputy Director
- 37.20 Principal Executive Officer; Board of Commissioners
- 37.21 Volunteers
- 37.22 Budgeting and finance

#### ***Emergency Management Plan***

- 37.35 Formulation, content and adoption
- 37.36 County wide jurisdiction
- 37.37 Powers, regulations and procedures

#### ***Local Disaster Emergency***

- 37.45 Order to proclamation of local disaster emergency affecting county roads when county roads are not closed
- 37.46 Order or proclamation of local disaster emergency closing county roads
- 37.47 Media notice
- 37.48 Filing of order
- 37.49 Enforcement

### **Title III: Administration**

#### **GENERAL PROVISIONS**

##### **§ 37.01 PURPOSE.**

The purpose of this chapter is to establish in the county a Department of Emergency Management and to provide for the exercise of necessary powers during emergencies.

##### **§ 37.02 DEFENITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**ADVISORY COUNCIL.** The County Emergency Management Advisory Council, as established under this chapter, pursuant to I.C. 10-14-3-17.

**BOARD.** The Board of County Commissioners, as elected pursuant to I.C. 36-2-2.

**CHAIRPERSON.** The Chairperson of the County Emergency Management Advisory Council as established under this chapter, pursuant, response and recovery.

**EMERGENCY MANAGEMENT.** The preparation for and the execution of all emergency functions, to include mitigations, preparedness, response and recovery.

**DEPARTMENT.** The Department of Emergency Management, as established under this chapter, pursuant to I.C. 10-14-3-17.

**DISASTER.** The occurrence or imminent threat of widespread or sever damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill, other water contamination requiring emergency action to avert danger or damage, hazardous materials spill or contamination requiring emergency action to avert danger , air contamination, drought, explosion, riot, or hostile military or paramilitary action which cannot be handled by normal operating personnel, procedures, resources or facilities.

**EMERGENCY MANAGEMENT VOLUNTEER.** Any person who serves without compensation in the Department of Emergency Management, being first duly rostered, identified and appointed by the director, including persons and private agencies or governmental units offering services to the county during emergency situations or mutual aid to other emergency services who request assistance.

### **Title III: Administration**

**MANMADE DISASTER.** Any incidents, including, but not limited to riots, strikes, insurrections, terrorists acts, civil disturbances, threats to national security or other manmade cause.

**NATURAL DISASTER.** Any incidents affecting or threatening public health, welfare, safety or security including, but not limited to flood, tornado, earthquake, wind, storm, winter storm or other natural cause.

#### ***PARTICIPATING EMERGENCY SERVICE.***

(1.) Any county department or agency designated in the emergency operations plan to participate in emergency management activities pursuant hereto; and

(2) Any department or agency of the state, another county, a municipal corporation or a volunteer organization designated to participate in the county's emergency management programs and activities pursuant to a cooperative or mutual aid agreement entered into pursuant to I.C. 10-14-3-17, and this chapter.

**PERSONNEL.** County officers and employees and emergency management volunteers, unless otherwise indicated.

**PLAN or EMERGENCY PLAN.** The current local emergency plan whose preparation and updating are mandated by I.C. 10-14-3-17.

#### ***PRINCIPAL EXECUTIVE OFFICER.***

(1) As referred to in I.C. 10-14-3-17 for purposes of declaring a local disaster emergency, and as referred to hereinafter, the regularly designated President of the Board of County Commissioners, except if he or she is unavailable or incapacitated, and the Board has regularly designated President Pro-Tem, then the President Pro-Tem shall be the ***PRINCIPAL EXECUTIVE OFFICER***. If the President is unavailable or incapacitated and there is no designated President Pro-Tem, then the remaining two Commissioners shall select among themselves one to be the ***PRINCIPAL EXECUTIVE OFFICER*** in the same manner as when an ordinary business meeting needs to be conducted in the absences of the President. If both the President and another Commissioner shall be considered the ***PRINCIPAL EXECUTIVE OFFICER***. The absence or incapacity of all county Commissioners, the Office of ***PRINCIPAL EXECUTIVE OFFICER*** shall devolve upon first the County Auditor, second, upon the County Clerk, third, upon the County Recorder and fourth, the Director.

(2) The ***PRINCIPAL EXECUTIVE OFFICER*** of the county selected by the above procedure, if not a member of the County Commissioner, shall exercise all powers and fulfill all duties of the ***PRINCIPAL EXECUTIVE OFFICER*** under I.C. 10-14-3-17, until the time as a County Commissioner shall no longer be unavailable or incapacitated as which time the county Commissioner, or the regularly designated President of the Board if he or she is no longer unavailable or incapacitated, shall assume all the powers and duties associated with the Office of President of the Board. The ***PRINCIPAL EXECUTIVE OFFICER*** selected by the above procedure, if a member of the County Commission, shall exercise all powers and fulfill all

### **Title III: Administration**

duties of the *PRINCIPAL EXECUTIVE OFFICER* under I.C. 10-14-3-17 until the time as the regularly designated President of the Board shall no longer be unavailable or incapacitated, at which time the regularly designated President of the Board shall resume all the powers and duties associated with his or her office

*SEMA* The State Emergency Management Agency established under I.C. 10-8-2-1.

*TECHNOLOGICAL DISASTER.* Any incidents including, but not limited to severe fire, explosions, hazardous material spills, radiological problems or other technological cause. (Ord. 1996-4, passed 10-22-96).

#### **§ 37.03 SCOPE AND INTENT.**

The general intent of this chapter is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to and recover from emergency conditions. To this end, all powers, both ministerial and discretionary, as conferred herein shall be liberally construed and shall be construed as intending to supplement, augment and not to limit any other powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, department and agencies.  
(Ord.) 1996-4. Passed 10-22-96)

#### **§ 37.04 LIMITATIONS; NONSUPERSESSION OF POWERS.**

(A) Nothing in this chapter is intended to supersede or delimit any statutory powers of the County sheriff to request assistance of the National Guard under the circumstances delineated in I.C. 10-2-4-6.

(B) Nothing in this chapter is intended to supersede or delimit the powers of any incorporated municipality under I.C. 10-14-3-17 to adopt and implement emergency plans promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting the county. However, pursuant to I.C. 10-14-3-17, the regulations and procedures as promulgated by the municipal authorities may not be inconsistent with the county emergency regulations and procedures as established in this chapter.

### **ADMINISTRATION AND ENFORCEMENT**

#### **§ 37.15 DEPARTMENT ORGANIZATION AND ADMINISTRATION.**

(A) In accordance with I.C. 10-14-3-17, there is established the County Emergency Management Advisory Council which shall consist of the following persons or their designees.

(1) The President of the County Executive;

### **Title III: Administration**

- (2) The President of the county fiscal body;
- (3) The Mayor of each City located in county;
- (4) An individual representing the legislative bodies of all towns located within the county;
- (5) Representatives of private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the County Emergency Management Advisory Council; and
- (6) Once commander of local civil air patrol unit in the county or the commander's designee.

**(B) Officers.** The Advisory Council shall have the following officers:

- (1) President: The President of the Board of County Commissioners shall serve as the President of the Advisory Council;
- (2) Vice President: the members of the Advisory Council shall elect at the organizational meeting each year a Vice President; and
- (3) Secretary: the members of the Advisory Council shall elect at the organizational meeting each year a Secretary."

**(C) Terms:** Members of the Advisory Council shall have the following terms:

- (1) The President of the Board of County Commissioners, the President of the County fiscal body, the mayor of each city located in the County, and the Commander of the local civil air patrol unit in the County shall serve by virtue of holding their respective offices;
- (2) If the Commander of the local civil air patrol unit in the County designates a representative to serve as the Commander's representative, the representative serves at the pleasure of the Commander and may be removed and replaced by the Commander at any time with or without cause; and
- (3) All other members have a term of one (1) year, beginning January 1 and ending December 31 of each year. These members may serve no more than two (2) consecutive terms.

#### **§37.16 ADVISORY COUNCIL**

(A) The Emergency Management Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the County and shall select and terminate, with the approval of the County Executive, a County Emergency and Disaster Management Director.

(B) All meetings of the Advisory Council shall be open to the public, and notice of meetings shall be provided as required by Indiana law.

**§ 37.17 DEPARTMENT ESTABLISHED.**

(A) There is hereby established a Department of Emergency Management within the executive branch of the county government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing county departments and agencies to prepare for and meet any disaster, as defined in this chapter. The County Commissioner and Director of Emergency Management shall be responsible for its organization, administration and operation. The Department shall consist of the following:

(1) An executive head of the Department of Emergency Management, who shall be known as the Director of Emergency Management appointed in accordance hereto;

(2) A Deputy Director, who shall be appointed by the Director with the approval of the Advisory Council;

(3) Emergency management volunteers, as deemed necessary and appointed by the director in accordance herewith and in accordance with the plan;

(4) The employees, equipment and facilities of all county departments and agencies suitable for or adaptable to emergency management and designated by the plan to participate in emergency management activity;

(5) Staff officers with responsibility for warning and communications, radiological, health, emergency care, police, fire and rescue, public works and public information in accordance with the plan; and

(6) The assistants, clerical help and other employees as deemed necessary to the proper functioning of the Department who may be appointed by the director in accordance with the plan.

(B) Notwithstanding any other provision of this chapter, no compensated position may be established within the Department of Emergency Management nor any person appointed to the position without:

(1) The authorization of the County Council, pursuant to I.C. 36-2-5-3(a); and

(2) The making of sufficient appropriations to pay the compensation.

(C) The County Council shall not have any power of approval over particular candidates for any position, but the County Council shall have general statutory powers to determine the number of officers, deputies and employees of county departments, classify positions and adopt schedules of compensation.

(D) It is the intent of this section that emergency management and disaster assignments under the plan shall be as nearly consistent with normal duty assignments as possible.

#### **§37.18 DIRECTOR OF EMERGENCY AND DISASTER MANAGEMENT**

(A) Appointment: The Director shall be appointed by the Advisory Council with the approval of the County Executive.

(B) Termination: The Director may be terminated by the Advisory Council, with the approval of the County Executive.

(C) Dual Office Holding Prohibited: The Director may not hold any other local, state or federal office.

(D) Duties: the Director shall have the following duties:

(1) Direct the organization, administration and operation of the emergency management and disaster program;

(2) Be responsible to the President of the County Executive;

(3) Seek, negotiate and enter into mutual aid agreements, with approval or ratification by the County Commissioners; and

(4) Perform other duties which are either assigned by the Advisory Council or required by law.

#### **§ 37.19 DEPUTY DIRECTOR.**

(A) If a Deputy Director has been appointed pursuant hereto, he or she shall, during normal times, assist the Director in the performance of his or her duties.

(B) During an emergency, the Deputy Director shall assist the Director and shall fulfill the duties of the Director in the absence or incapacity of the director to serve.

#### **§ 37.20 PRINCIPAL EXECUTIVE OFFICER; BOARD OF COMMISSIONERS.**

(A) In time of normal county operations, powers and duties of the Principal Executive Officer pertaining to emergency management shall be:

(1) Seeking the advise and input of the Director as to the advisability of declaring a local disaster emergency; and

(2) Declaring, pursuant to I.C. 10-14-3-17, a local disaster emergency.

(B) In time of normal county operations, powers and duties of the County Commissioners pertaining to emergency management shall be:

(1) Maintaining general supervision over the planning and administration for the Department;

(2) prepare, adopt and keep current a local disaster emergency plan as provided for in Section 37.35. The Agency shall also prepare and distribute to all appropriate officials a clear and complete written statement of:

- (a) The emergency responsibilities of all local agencies and officials; and
- (b) The disaster chain of command

(3) Coordinating emergency management activities consistent with the plan;

(4) Making assignments of county personnel to emergency management activities consistent with the plan;

(5) Making assignments of county personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of the agencies consistent with the plan;

(6) Taking all necessary action in coordination with the Department to conduct tests of the plan; and

(7) Educating themselves as to their responsibilities under the plan.

(C)(1) Emergency management tests may be conducted at any time with or without prior notification to person other than the Director.

(2) All emergency test conducted within the boundaries of the county shall be coordinated with the Department.

(D) In the administration of the Agency, the County Commissioners may:

(1) Appropriate and expend funds;

(2) Make contracts;

(3) Obtain and distribute equipment, materials and supplies for emergency management and disaster purposes;

(4) Provide for the health and safety of persons and property, including emergency assistance to victims of a disaster resulting from enemy attack;

(5) Provide for a comprehensive insurance program for its emergency management volunteers;



(6) Direct and coordinate the development of an emergency management program and emergency operations plan in accordance with the policies and plans set forth by the Federal Emergency Management Agency and the Indiana Department of Homeland security;

(7) Appoint, employ, remove or provide, with or without compensation

- a. Rescue teams
- b. Auxiliary fire and police personnel; and
- c. Other emergency management and disaster workers.

(8) Establish a primary and one or more secondary control centers to serve as command posts during an emergency;

(9) Subject to the order of the Governor of the State of Indiana or the County Commissioners, order, assign and make available for duty employees, property or equipment of the County relating to:

- d. Firefighting;
- e. Engineering;
- f. Rescue;
- g. Health, medical and related services;
- h. Police;
- i. Transportation;
- j. Construction;
- k. Similar items of service

For emergency management and disaster purposes; and

(10) In the event of a national security emergency or disaster as provided for in Indiana Code §10-14-3-12, waive procedures and formalities required by County Code, ordinances, resolution or rules. (Ord. 1996-4, passed 10-22-96)

#### § 37.21 VOLUNTEERS.

(A) The Director shall assure that all volunteers personnel meet the following qualifications before being placed on the roster as a member of the Department:

- (1) Be at least 18 years of age or older;
- (2) Not be convicted of a felony; and
- (3) Have completed and have on file with the Department an application form.

(B) Upon satisfaction of the above requirements and formal entry upon the Department's roster of volunteers, the applicant is officially a member of the County Department of Emergency Management.

(Ord. 1996-4, passed 10-22-96)

#### **§ 37.22 BUDGETING AND FINANCE.**

The Advisory Council shall advise the Director in the preparation of the budget. The County Council shall appropriate funds as it may deem necessary for the purpose of emergency management. All funds appropriated or otherwise available to the Department of Emergency Management shall be administered by the Director.

(Ord. 1996-4, passed 10-22-96)

#### **§ 37.35 FORMULATION, CONTENT AND ADOPTION.**

(A)(1) A county emergency operations plan shall be adopted by resolution of the County Commissioners.

(2) In the preparation of the plan, as it pertains to county organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.

(B) The plan shall have, at minimum, the following contents:

(1) Basic plan to include:

- (a) Purpose;
- (b) Situation/assumptions;
- (c) Concept of operations;
- (d) Assignments of responsibilities;
- (e) Direction and control;
- (f) Continuity of government;
- (g) Administration and logistics; and
- (h) Execution.

(2) Annexes, to include:

- (a) Direction and control, warning and communications;
- (b) Radiological protection;
- (c) Law enforcement;

(d) Fire and rescue;

(e) Health and medical;

(f) Hazardous materials response for SARA Title in Releases (to be drafted by the Local Emergency Planning Committee, pursuant to I.C. 13-25-2-5);

(g) Hazardous materials response for non-SARA Title III releases;

(h) Welfare and human services;

(i) Shelter;

(j) Evacuation;

(k) Public works; and

(l) Resource and supply.

(3) In addition, all emergency services within the county shall:

(a) If they develop internal plans, assure that those plans are drafted subject to the requirements of the plan;

(b) Coordinate internal plans with the Department of Emergency Management;

(c) Assure inclusion of internal plans within the county plan;

(d) Perform the functions and duties assigned by the county plan; and

(e) Maintain their portion of the plan in a current state of readiness at all times.

#### § 37.36 COUNTYWIDE JURISDICTION.

(A) Except as provided by this chapter, the jurisdiction of the county Department of Emergency Management shall be:

(1) Comprehensive and inclusive countywide; and

(2) Effective in both the incorporated and unincorporated areas of the county.

(B) The jurisdiction and applicability of the county's comprehensive emergency management and disaster plan, as adopted pursuant hereto, and the exercise of any powers of the Principal Executive Office of the county and the County Commissioners under § 37.37 shall be:

(1) Comprehensive and inclusive countywide; and

(2) Effective in both the incorporated and unincorporated areas of the county.

(C) All incorporated areas of the county shall:

(1) If they develop internal plans, assure that those plans are drafted subject to the requirement of the plan;

(2) Coordinate internal plans with the Department of Emergency Management;

(3) Assure inclusion of internal plans within the county plan;

(4) Perform the functions and duties assigned by the county plan; and

(5) Maintain their portion of the plan in a current state of readiness at all times.

#### **§ 37.37 POWERS, REGULATIONS AND PROCEDURES.**

(A) This section shall apply whenever:

(1) A state of emergency affecting all or part of the county has been declared by the Governor, pursuant to I.C. 10-14-3-17;

(2) A state of emergency affecting all or part of the county has been declared by the Principal Executive Officer of the county, pursuant to I.C. 10-14-3-17;

(3) A presumptive state of emergency is deemed to exist affecting all or part of the county causing the Director to invoke and implement emergency plans and procedures in accordance herewith; or

(4) When the Board of Commissioners had implemented a test of the county's emergency plan and procedures in accordance with and to the extent necessary or dispensable to the test.

(B) The Department of Emergency Management shall have the following responsibilities prior to declaration of a disaster:

(1) The warning function as prescribed in the portion of the plan;

(2) Assuring proper functioning of emergency communications throughout the county, including all cities and towns, as prescribed in the communications portion of the plan; and

(3) Assuring that mitigation, training and exercising have been performed.

(C)(1) In the event of the actual or threatened enemy attack or disaster affecting the county, the Principal Executive Officer of the county may declare a local disaster emergency pursuant to I.C. 10-14-3-17 for any period not to exceed seven days.

- (a) Be in writing;
  - (b) Indicate the nature of the disaster;
  - (c) Indicate the conditions which have brought the disaster about;
  - (d) Indicate the area or areas threatened;
  - (e) Indicate the area or areas to which the state of emergency applies, which may include the entire county or only designated parts thereof; and
  - (f) Be announced or disseminated to the general public by the best means available.
- (3) The declaration shall be filed in the offices of:
- (a) The County Clerk;
  - (b) The County Auditor; and
  - (c) The Clerk of any incorporated municipality included in the declared disaster area.
- (4) The declaration shall not be invalidated nor ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances.
- (5) Upon a declaration, the county's comprehensive emergency management and disaster control plan which has been adopted pursuant hereto or the several component parts thereof as may be relevant to the emergency shall be activated and implemented.
- (6) A declaration shall not be necessary if the Governor, pursuant to I.C. 10-14-3-17, has already proclaimed a statewide or area wide state of emergency including the county.
- (D)(1) As soon as possible after a disaster emergency affecting the county is declared either by the Governor or by the Principal Executive Officer of the county shall convene a meeting of the County Commissioners to perform their legislative and administrative functions as the situation may demand.
- (2) If the Principal Executive Officer fails or is unable to convene a meeting as mandated above, the meeting shall be convened in accordance with I.C. 36-2-2-3(a).
- (3) Any meeting of the Commissioners shall:
- (a) Be deemed an emergency meeting;
  - (b) Be subject only to such procedural provisions of law as govern emergency meetings of County Commissioners;
  - (c) Include relaxation of any applicable notice requirements, pursuant to I.C. 5-14-1.5-5(d);

(d) Be held in any convenient and available place;

(e) Continue, without adjournment, for the duration of the disaster emergency; and

(f) Be recessed for reasonable periods of time as necessary and permitted by circumstances.

(E)(1) In the event that a quorum of the Board of Commissioners cannot be assembled for purposes of the meeting required hereunder, the Principal Executive Office of the county shall:

(a) Be considered a plenipotentiary representative of the Board;

(b) Have all powers of the full Board.

(2) When a quorum is assembled, the plenipotentiary powers shall cease.

(F)(1) At the meeting convened hereunder, the Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.

(2) In addition to the powers enumerated herein, the Board may also exercise any of the following special and extraordinary powers:

(a) The Commissioners may extend the period of a state of emergency declared by the chief executive officer pursuant hereto, to last more than seven days if necessary.

(b) The Commissioners may terminate the state of emergency, except for the state of emergency declared by the Governor.

(c) The Commissioner may assemble and utilize emergency management forces including:

1. Personnel of the Department of Emergency Management;

2. Participating emergency services; and

3. Any other forces at the disposal of the Commissioners hereunder for emergency management purposes.

(d) The Commissioners may order volunteer forces which have been activated pursuant to the plan to the aid of the county, state or political subdivisions hereof as soon as practicable. These volunteer forces shall be under the direction of the Department of Emergency Management.

(e) In order to control the local disaster emergency and provide for public health, safety and welfare, the Commissioners may, to the extent permitted by I.C. 10-14-3-17 and subject to its provisions, command services and/or requisition the use of:

1. Equipment;

2. Facilities;

3. Supplies; or
4. Other property.

(f) The Commissioners may order the evacuation of all or part of the population from stricken areas of the county and prescribe:

1. Routes;
2. Modes of transportation; and
3. Evacuation destinations.

(g) The Commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations and the like, which would govern the use and location of premises for housing purposes during normal times.

(h) The Commissioners may suspend, for the duration of the state of emergency or for a lesser period as they determine, any provisions of or procedures prescribed by ordinances of the county if they:

1. Would be impractical during the emergency;
2. Would interfere with the implementation and carrying out of emergency plans; or
3. Would be inimical to actions necessary to protect the public safety and welfare.

(i) Except in accordance herewith, hereinafter the Commissioners shall not suspend any provisions of ordinances or procedures which are mandated by statute.

(j) In the event of enemy attack, or when the state of emergency has been proclaimed by the Governor, the Commissioners, in accordance with I.C. 10-14-3-17, may waive any procedures or requirements of statute or of county ordinances reflecting statutory requirements and mandates and pertaining to:

1. The appropriation and expenditure of public funds;
2. The incurring of obligations;
3. The performance of public works;
4. The entering into contracts;
5. The employment of workers whose employment may be either:

- a. Permanent; or
  - b. Temporary.
- 6. The utilization of volunteer workers;
  - 7. The rental equipment;
  - 8. The purchase and distribution of:
    - a. Offices;
    - b. Materials; and
    - c. Facilities.

(k) The Commissioners may assign any special emergency duties and functions to county:

- 1. Offices;
- 2. Departments; and
- 3. Agencies.

(l) Any unexpended and unencumbered monies budgeted and appropriated but not otherwise dedicated by law to different purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out special emergency duties and functions.

(m) The Commissioners may make and promulgate emergency regulations as may be deemed necessary to implement and carry out the provisions of the county's or state's plans.

- 1. The regulations shall not be effective until promulgated, through either:
  - a. Written filing in the Offices of the County Clerk and County Auditor, as required by I.C. 10-14-3-17; or
  - b. If filing is impossible, through conspicuous posting at two public locations within the county.
- 2. The regulations shall have the full forces of law and shall be enforceable by any police officer in accordance with I.C. 10-14-3-17.

(n) The commissioners may, in accordance with the plan, request the state of the country or their agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency county forces and resources.

(3) All actions and regulations under this section shall be:



(a) Adopted by ordinance or resolution;

(b) Consistent with, and subordinate to, any actions, orders or regulations made by the Governor or a state agency implementing the state emergency operations plan.

(G)(1) The Director shall make recommendations and advise the Board of Commissioners or the Principal Executive Officer on any actions which it would be necessary or desirable to take hereunder in the event of any emergency.

(2) In the event that any emergency clearly exists or is imminent within the county, and a state of emergency has not been declared by the Governor nor is any person having the powers of the Principal Executive Officer of the county present to declare an emergency pursuant hereto, the Director may temporarily presume the existence of a state of emergency.

(3) When Director temporarily presumes the existence of a state of emergency, the Director shall:

(a) Put into effect those portions of the plan as necessary:

1. To cope with the emergency; and
2. Protect the public safety and welfare.

(b) Be construed to have all powers necessary and dispensable to doing so to the extent not specifically limited by statute or specifically limited herein, until the time as the Chief Executive Officer becomes available;

(c) Have his or her functions performed by the Deputy Director to the extent that the Deputy Director is required to assume the duties of the Director, as provided hereby in the latter's absence or incapacitation during the emergency.

(4) Assistance from the Department of Emergency Management may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.

(H) During a declared emergency, all officers and employees of incorporated and unincorporated areas of the county shall:

(1) Cooperate with and give active support to:

- (a) The County Commissioners; and
- (b) The County Emergency Management director.

(2) Comply with all orders issued pursuant to this chapter by:

- (a) The Commissioners; and

(b) The County Emergency Management Director.

(I) At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing inconsistent:

(1) Ordinances;

(2) Orders;

(3) Rules; and

(4) Regulations.

(J)(1) Whenever this chapter applies, it shall be unlawful and penal ordinance violation for any person to:

(a) Willfully obstruct, hinder or delay the commissioners, the Director of Emergency Management, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing emergency plans and procedures;

(b) Fail to observe, abide by and comply with any emergency management duties, order, regulations and procedures as made applicable to the person by the appropriate authorities; or

(c) Falsely wear or carry identification as a member of the Department of Emergency Management or to otherwise falsely identify or purport to be a county emergency management authority.

(2) Any person who commits an offense as described above shall be liable to a fine of \$2,500; the fine to be subject, however, to the discretion of the court jurisdiction.

(3) Any regular or reserve police officer of the state or any of its political subdivisions is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above.

(K) During an emergency management test or declared emergency, the following shall be immune from liability, to the extent provide by I.C. 10-14-3 and any other applicable law:

(1) The county;

(2) Its assigned personnel;

(3) Participating emergency services; and

(4) Rostered volunteers.

(L) Owners of property commandeered for the use in any emergency by any county official shall be reimbursed for its use by the county as the County Council shall approve with regard to:

(1) Manner of compensation; and

(2) Amount of compensation.

## **LOCAL DISASTER EMERGENCY**

### **§ 37.45 ORDER OR PROCLAMATION OF LOCAL DISASTER EMERGENCY AFFECTING COUNTY ROADS WHEN COUNTY ROADS ARE NOT CLOSED.**

Any order or proclamation of a local disaster emergency, which does not order the closing of county roads, shall provide that:

(A) The risk of travel on county roads is upon the person traveling upon such road or roads;

(B) The driver or person in charge of a vehicle, whether or not stalled, that impedes or interferes with highway snow removal crews or emergency vehicles responding to an emergency may be directed to remove the vehicle from the county road by any law enforcement officer or county highway employees;

(C) If an unoccupied vehicle impedes or interferes with highway snow removal crews or emergency vehicles and the driver or person in charge of such vehicle cannot be found, the Sheriff, County Emergency Management Director or county highway employee may order the vehicle to be towed to a place of safety at the owner's expense;

(D) A person who stops, parks or leaves a vehicle shall leave a sufficient unobstructed width of the roadway opposite the vehicle for the free passage of other vehicles and a clear view of the stopped vehicle from a distance of 300 feet in each direction upon the highway;

(E) The driver of each vehicle shall drive at a reduced speed appropriate to the weather and highway conditions; (I.C. 9-21-5-4)

(F) It is unlawful for a person to knowingly fail to comply with an order or direction of a law enforcement officer, county highway employee or Emergency Management Director directing, controlling or regulating traffic under this chapter.

### **§ 37.46 ORDER OR PROCLAMATION OF LOCAL DISASTER EMERGENCY CLOSING COUNTY ROADS.**

Any order or proclamation of a local disaster emergency closing the county roads shall provide that:

(A) The Board of Commissioners have consulted with the Sheriff, Highway Superintendent, and Emergency Management Director and determined that travel on county roads would cause a substantial risk to life and/or property, and that the county cannot assure adequate emergency assistance for stranded motorists or disabled vehicles;

(B) No travel is permitted on county roads until the order closing the roads has been terminated by the Board of Commissioners of the county, provided that the order does not prohibit travel on county roads by individuals if the travel is necessary to:

- (1) Maintain a safe rail system;
- (2) Restore utility service;
- (3) Provide any other emergency public service;
- (4) Provide food, water, health care or other emergency services to people or animals;
- (5) As may be allowed by order of the Emergency Management Director;

(6) Transportation of teachers and children on Country Club Road and Rock River Ridge Road to and from school if the Crawfordsville School Corporation opens its schools;

(C) The driver or person in charge of a vehicle, whether or not stalled, that impedes or interferes with highway snow removal crews or emergency personnel and vehicles responding to an emergency may be directed to remove the vehicle from the county road by any law enforcement office or county highway employee;

(D) If an occupied vehicle impedes or interferes with highway snow removal crews or emergency vehicles and the driver or person in charge of such vehicle cannot be found, the Sheriff or Emergency Management Director or county highway employee may order the vehicle to be towed to a place of safety at the owner's expense;

(E) A person who stops, parks or leaves a vehicle shall leave a sufficient unobstructed width of the roadway opposite the vehicle for the free passage of other vehicles and clear view of the stopped vehicle from a distance of 300 feet in each direction upon the highway.

(F) It is unlawful for a person to knowingly fail to comply with a lawful order or direction of a law enforcement officer, county highway employee or Emergency Management Director directing, controlling or regulating traffic under this chapter.

(Ord. 2000-3, passed 1-18-00; Am. Ord. passed 11-13-01)

#### **§ 37.47 MEDIA NOTICE.**

Upon issuance of an order declaring a local disaster emergency the president of the Board of Commissioners of the county shall cause the local media to be promptly notified.

(Ord. 2000-3, passed 1-18-00)

#### **§ 37.48 FILING OF ORDER.**

As soon as possible, the president of the Board of Commissioners shall cause the local disaster emergency order to be filed with the County Auditor.

(Ord. 2000-3, passed 1-18-00)

## § 37.49 ENFORCEMENT.

(A) The driver or person in charge of a vehicle who violates §§ 37.45(B), 37.45(D), 37.46(C), or 37.46(E) may be directed to move the vehicle off the traveled portion of the road. (I.C. 9-21-1-3)

(B) A vehicle stopped, parked or left in violation of §§ 37.45(B), 37.45(D), 37.46(B), 37.46(B), 37.46(D), or 37.46(E) may be towed to the nearest place of safety at owner's expense. (I.C. 9-21-16-3)

(C) (1) Violation of the provisions of §§ 37.45(B), 37.45(E), 37.46(F), 37.46(C), or 37.46(F) is cause for an action to enforce state statute and may result in the entry of a judgment of up to \$500 for a Class C Infraction . (I.C. 9-21-5-13, I.C. 9-21-16-9, and I.C. 9-21-8-49)

(2) In the alternative, the violation may be charged as a Class C ordinance violation for which a judgment may include the amount necessary to reimburse the county for any towing or storage fee which it has incurred in addition to the prescribed fine and court costs.

(D) Violation of the provisions of §§ 37.01(D) or 37.02(E) is a Class C ordinance violation for which a judgment may also include the amount to reimburse the county for any towing or storage fee which it has incurred, in addition to the prescribed fine and court costs.  
(Ord. 2000-3, passed 1-18-00)